

**BOARD OF WATER AND SOIL RESOURCES
514 GATEWAY DRIVE NE, MEETING ROOM
EAST GRAND FORKS, MINNESOTA 56721
THURSDAY, AUGUST 25, 2016**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Kathryn Kelly, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Neil Peterson, Nathan Redalen, Tom Schulz, Rob Sip, MDA; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Paige Winebarger

BOARD MEMBERS ABSENT:

Patty Acomb

STAFF PRESENT:

Mary Jo Anderson, Brett Arne, Angie Becker Kudelka, Matt Fischer, Tom Gile, Celi Haga, Ryan Hughes, John Jaschke, Al Kean, Doug Thomas, Pete Waller

OTHERS PRESENT:

Nicole Bernd, West Polk SWCD
Aaron Habermehl, West Polk SWCD
Tanya Hanson, Red Lake County SWCD
Bryan Malone, Pennington SWCD
Peter Nelson, Pennington SWCD
Chris Kleist, City of Duluth
Barb Huberty, Legislative Water Commission

Chair Napstad called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

Chair Napstad welcomed everyone and thanked West Polk SWCD, Red Lake WD, Pennington SWCD, University of North Dakota, the City of Crookston, the City of East Grand Forks, DNR, and the RRBC for their involvement in the BWSR tour. Chair Napstad thanked BWSR staff Matt Fischer, Celi Haga, and Mary Jo Anderson for planning an excellent tour. Chair Napstad thanked Board Members for their attendance and expressed the connection between monthly Board meetings and committee meetings and appreciated seeing examples on the tour of how the Board makes things happen.

****** **ADOPTION OF AGENDA** – Moved by Neil Peterson, seconded by Paige Winebarger, to adopt the agenda as presented. **Motion passed on a voice vote.**
16-57

****** **MINUTES OF JUNE 22, 2016 BOARD MEETING** – Jill Crafton noted an error on page four, top paragraph, last sentence, it should read, Jack Ditmore stated. Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the minutes of June 22, 2016 as corrected. **Motion passed on a voice vote.**
16-58

CONFLICT OF INTEREST DECLARATION

- Area II Minnesota River Basin Projects FY 2017 Grant
- One Watershed, One Plan Planning Grants
- Grass Lake Grant

Chair Napstad read the statement:

“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business.”

INTRODUCTION OF NEW EMPLOYEE

- Ryan Hughes introduced Maggie Leach, Board Conservationist in Brainerd. Chair Napstad welcomed Maggie to the Board.

Chair Napstad welcomed and introduced Nathan Redalen, newly appointed board member representing townships.

REPORTS

Chair & Administrative Advisory Committee (AAC) – Brian Napstad reported that the EQB did not meet in August. The AAC met via phone/email regarding the Vadnais Lakes WMO boundary change petition on the agenda later today.

Executive Director’s Report – John Jaschke thanked everyone for attending the tour. He stated that it was good to have Governor Dayton join us yesterday as he tours Minnesota’s 87 counties in 86 days. John reported that a special legislative session has not been scheduled and is highly unlikely. John reported that he conducted Listening Sessions statewide meeting with BWSR staff and LGUs, discussing what we can do to prioritize and work together on issues. John stated that the BWSR Strategic Plan will be updated this year; staff will bring process recommendations to the Board and committees.

Dispute Resolution Committee (DRC) – Gerald Van Amburg reported that a DRC hearing was held on August 22, 2016, regarding a WCA appeal decision in Crow Wing County; there will be more information in September. Jack Ditmore commented on the Court of Appeals decision regarding McLeod County and the importance of timelines as actions are processed.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met on August 11, 2016 in St. Cloud; recommendations are on the agenda later today.

Wetland Conservation Committee – Gerald Van Amburg reported that the Wetland Conservation Committee met on August 19, 2016. Four items were discussed: 1) Status of the Local Wetland Replacement Program. Staff are working on a strategy for future funding. 2) Wetland banking fees. Staff are developing implementation proposals for fees being collected. 3) 2015 Legislature granted BWSR authority for establishment of a stakeholder advisory committee. 4) Update from Doug Norris, DNR, regarding the Clean Water Act Section 404 Assumption Feasibility Study. Gerald reported on the personnel changes in the BWSR Wetland Section; Tim Smith is the new wetland banking coordinator. Staff will send staffing updates to board members. Tom Landwehr stated DNR's concerns for wetland banking long-term obligations, maintenance of structures, tax payment; endowments are a good mechanism. Tom suggested the Committee and staff discuss and come before the Board with recommendations/options. Gerald stated that the Committee discussed the liability; staff plans to work on this effort in a timely manner. Gerald stated that legislative action is necessary. Discussion followed. John stated staff and the Committee are working on requesting legislative authorization.

Buffers, Soils & Drainage Committee – Brian Napstad reported that the Buffers, Soils & Drainage Committee met on August 11 in St. Cloud; recommendation is on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on July 14 and August 11, 2016. Al Kean provided an overview of the meeting. The next meeting of the Drainage Work Group is September 15, 2016.

John Jaschke stated that board members have submitted their completed Conflict of Interest Disclosure forms; the documents will be filed for the grant decision items. All board members are eligible to vote on the grant items.

COMMITTEE RECOMMENDATIONS

Southern Region Committee

Area II Minnesota River Basin Projects FY 2017 Biennial Work Plan and Grant – Kathryn Kelly thanked staff for their information and assistance on the Southern Region Committee. Kathryn reported that the BWSR oversees the legislative appropriations related to the efforts of the Area II Minnesota River Basin Projects (Area II) for construction of floodwater retarding and retention structures. The 2015 Minnesota Legislature appropriated funding for Area II Minnesota River Basin Projects resulting in a fiscal year 2017 grant of \$140,000. The overall budget objectives are included in the plan. The Southern Region Committee met on July 27, 2016 to review the Area II Biennial Work Plan and recommends approval of the plan and execution of the FY 2017 grant. Moved by Kathryn Kelly, seconded by Chris Elvrum, to approve the Area II FY2016 and 2017 Biennial Work Plan and enter into a grant agreement with the Area II Minnesota River Basin Projects for these funds. ***Motion passed on a voice vote.***

**

16-59

Cottonwood County Priority Concerns Scoping Document – Kathryn Kelly reported that Cottonwood County submitted the Priority Concerns Scoping Document for state review and comment as part of updating their Comprehensive Local Water Management Plan. The Southern Regional Committee met July 27, 2016, after the state agencies comment period ended. The Committee concurred with the selected priority concerns and recommended comments in a letter to Cottonwood County. The State’s expectations of the final plan must be sent to Cottonwood County. Moved by Kathryn Kelly, seconded by Steve Sunderland, to approve the Cottonwood County Priority Concerns Scoping Document. Rebecca Flood noted the correct spelling of Juline Holleran’s name. **Motion passed on a voice vote.**

**
16-60

Faribault County Comprehensive Local Water Management Plan Extension Request – Kathryn Kelly reported that Faribault County currently has a Comprehensive Local Water Management Plan that will expire December 31, 2016. On July 19, 2016, Faribault County submitted a formal request for an extension of their current Plan. The Southern Region Committee met on July 27, 2016 and recommends approval of the extension. The State’s expectations for the extension request must be sent to Faribault County. Moved by Kathryn Kelly, seconded by Doug Erickson, to approve the extension of the Faribault County Comprehensive Local Water Management Plan until December 31, 2017. **Motion passed on a voice vote.** Tom Loveall abstained from voting.

**
16-61

Le Sueur County Local Water Management Plan Amendment – Kathryn Kelly reported that Le Sueur County submitted their Local Water Management Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the Amendment to the Board for final State review on June 21, 2016 (the agency review period began March 23, 2016). On July 27, 2016, the Southern Region Committee reviewed the recommendation of the State review agencies regarding final approval of the Le Sueur County Local Water Management Plan Amendment; and recommends approval. Moved by Kathryn Kelly, seconded by Paige Winebarger, to approve the Le Sueur County Local Water Management Plan Amendment. **Motion passed on a voice vote.**

**
16-62

Buffers, Soils & Drainage Committee

Adoption of the Buffer Program Policies – Tom Gile reported that the Buffers, Soils and Drainage Committee have reviewed the seven draft Buffer Program Policies and is recommending Board adoption. Tom provided a brief overview of the seven policies: 1. *Buffer Compliance Determination Policy (Parcel and Bank Approach)*; 2. *Buffer Law Reporting and Progress Tracking Policy*; 3. *MS4 Exemption Policy*; 4. *Alternative Practices Implementation Policy*; 5. *Alternative Practices Approved by the Board Policy*; 6. *Local Water Resources Riparian Protection Policy (Other Watercourses)*; and 7. *Non Implementation Policy*. Discussion followed. Tom Landwehr stated that we need to be conscientious of water and wind erosion; clarification is needed on Policy #4. Tom Gile stated that guidance and adequate training is being developed for SWCDs. Kathryn Kelly appreciates BWSR staff work and articulation on the policies. Kathryn stated that SWCD staff are looking forward to working on the buffer program efforts. Discussion followed on Policy #5 - Tom Landwehr stated that there is potential for confusion; other watercourses need to be identified and criteria and guidance. John stated that we have a statute to follow without rulemaking authority. Tom Gile stated that misconceptions are being addressed and guidance provided to SWCDs; consistently providing the message that this is an inventory with the SWCD as the decision maker on this policy. John stated that staff will continue working on additional needed policies and guidance to support the program.

Moved by Tom Landwehr, seconded by Rebecca Flood; that the Board adopts the Buffer Program Policies as presented; if any of these policies are declared to be unenforceable or invalid, the remainder will continue to be valid and enforceable. **Motion passed on a voice vote.**

**
16-63

Grants Program & Policy Committee

One Watershed, One Plan Planning Grants – Doug Thomas reported that the One Watershed, One Plan (1W1P) Planning Grants Request for Proposal (RFP) ended on June 17, 2016 with nine applications received. The Grants Program & Policy Committee met on August 11, 2016; reviewed the SMT recommendation for the 1W1P Planning Grants and unanimously recommend approval. Moved by Steve Sunderland, seconded by Faye Sleeper, to: 1) Approve and authorize seven One Water, One Plan planning grants for Missouri, Pomme de Terre, Cedar, Lake of the Woods, Cannon, Thief River, and Leech Lake; 2) Authorize staff to complete work plans and to enter into grant agreements with these watershed areas for development of One Watershed, One Plans; and 3) Approves the allocation of up to \$1,700,000. **Motion passed on a voice vote.**

Grass Lake Grant – Doug Thomas reported that In 2011, BWSR received a direct appropriation for the Grass Lake project to acquire conservation easements, reroute County Ditch 23A, construct water control structures, and plant vegetation in order to restore the 1,200 acre prairie wetland basin adjacent to the city of Willmar in Kandiyohi County. The funds to Kandiyohi County will complete the construction on the main outlet to the project and additional restoration activities by 2017. Doug stated that the Grants Program & Policy Committee recommends approval of the Grass Lake grant. Moved by Kathryn Kelly, seconded by Tom Loveall, to authorize staff to enter into a grant agreement with Kandiyohi County in an amount not to exceed \$1,400,000 from the 2011 Laws of Minnesota. First Special Session, Chapter 12, Section 7, Subd. 4, for use on approved Grass Lake project activities, including but not limited to contracts for project construction and consulting services. Discussion followed. **Motion passed on a voice vote.**

Chair Napstad called for a break in the meeting at 11:15 am. The meeting reconvened at 11:32 a.m.

Red Lake River One Watershed, One Plan Presentation – Matt Fischer thanked the Board for coming to East Grand Forks to tour Polk County. Matt reported that the Red Lake River watershed was selected as one of five watersheds for the One Watershed, One Plan Pilot Program. Matt introduced the Red Lake River Planning Work Group: Nicole Bernd, District Manager, West Polk SWCD; Peter Nelson, Water Plan Coordinator, Pennington SWCD; Bryan Malone, District Manager, Pennington SWCD; and Tanya Hanson, District Manager, Red Lake SWCD. Myron Jesme, Administrator, Red Lake WD; is also part of this group although not in attendance today. Nicole reported that the group has been meeting regularly over the last two years and now has a draft plan completed that is anticipated to be submitted for the initial 60-day formal review in the near future. Nicole presented the Red Lake River Planning Work Group's draft plan and pilot experience. Nicole stated that the collaboration is a benefit, the involvement of the group makes things happen. Tom Landwehr congratulated the group on the work being done on the pilot program. Jack Ditmore also congratulated the group on their efforts and asked what BWSR can do to enhance the guidelines. Nicole stated that Matt Fischer has been instrumental in the planning structure of the group; they are very fortunate to have an open line of communication. Discussion followed. Chair thanked the Red Lake River Planning Work Group for their efforts and for coming before the Board today.

OLD BUSINESS

2016 Board Meeting Schedule Adjustment – John Jaschke reported that BWSR board members were contacted to check availability prior to requesting to change the meeting date from October 26 to Thursday, October 27, 2016 due to staffing conflicts (BWSR Academy). Moved by Tom Loveall, seconded by Jack Ditmore, to change the October 26 meeting date to Thursday, October 27, 2016. **Motion passed on a voice vote.**

NEW BUSINESS

Boundary Change Petition Vadnais Lake Area Water Management Organization – John Jaschke reported that a Petition for a technical change/correction to the common boundary of the Vadnais Lake Area Water Management Organization (VLAWMO) and Rice Creek Watershed District (RCWD), pursuant to Minn. Stat. 103B.215 has been filed with the Board. The proposed boundary change would update the common boundary with the correct parcel list to achieve a more accurate alignment between the hydrologic and legal boundaries. The Petition proposes a transfer of those acres/parcels listed in the Ramsey County database as RCWD to the VLAWMO. Written statements of concurrence have been received from the City of White Bear Lake and Rice Creek Watershed District. The Administrative Advisory Committee reviewed the petition and supporting documentation and unanimously recommend approval. Moved by Kathryn Kelly, seconded by Joe Collins, that the Board orders the boundaries of the Rice Creek Watershed District changed per the Petition as depicted on the map and made a part hereof, including the data sets the map was created from. The Board strongly recommends Vadnais Lake Area Water Management Organization take immediate action to change its organizational boundaries consistent with the Order presented. ***Motion passed on a voice vote.***

**

16-67

Clean Water Council & Interagency Coordinating Team Preliminary FY18-19 Budget Recommendations – Doug Thomas provided a review of the Clean Water Council's Ad-hoc Policy Committee draft policy statements related to drinking water and living cover for water protection. Doug provided a brief overview of the Budget Oversight Committee's preliminary recommendations from its August 5, 2016 meeting for BWSR activities. Chair Napstad thanked Doug for the information.

Coffee Creek Project and Presentation of the Environmental Initiative Award to BWSR – Ryan Hughes introduced Chris Kleist, City of Duluth project manager. Chris presented the Coffee Creek project and explained that the 2012 flood in northeast Minnesota caused severe damage to Coffee Creek. BWSR provided disaster relief assistance through authorization of phased disaster relief grants to address the highest prioritized projects within the City. The project was a multi-partner project due to both the public infrastructure issues as well as the native Brook Trout population concerns. The restoration project provides a unique example of how sustainable redevelopment can be achieved with conservation, social and economic objectives to ensure greater resiliency to future extreme weather events. Chris, on behalf of the City of Duluth, presented BWSR with the 2016 Environmental Initiative Award. Chair Napstad and John Jaschke accepted the award and thanked Chris for the presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip invited board members to attend the 2016 Prairie Grains Conference, December 7-8, 2016 in Grand Forks, ND.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that the Fargo-Moorhead diversion project is still in progress; DNR is reviewing the permit application. Tom stated that DNR is working with the MN Aquatic Invasive Research Center (MAISRC) on new invasive species. The 2016 MAISRC Management Showcase will be held on September 12 at the U of M. DNR is hosting an Angler and Hunter Recruitment and Retention Summit on August 26-27, 2016, at the Earle Brown Center.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Buffer Science and Design Symposium will be held on September 16 at the Northstar Ballroom, U of M, St. Paul Campus. The 2016 Water Resources Conference will be held October 18-19, at the St. Paul River Centre. Faye reported that the Minnesota Climate Adaptation Partnership is co-sponsoring the National Adaptation Forum on May 9-11, 2017 in St. Paul; a flyer was distributed.

UPCOMING MEETINGS

- BWSR Board Meeting, September 28, 2016, St. Paul

Jack Ditmore stated that the Board Member location map needs a correction on the number and location of Joe Collins/Jack Ditmore.

****** Moved by Tom Loveall, seconded by Kathryn Kelly, to adjourn the meeting at 12:52 PM. ***Motion passed***
16-68 ***on a voice vote.***

Respectfully submitted,



Brian Napstad
Chair